

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ADMINISTRATIVE INSTRUCTION

NO. 2

DATE: May 5, 2003

SUBJECT: Internal Procedures for Responding to Public Records Act Requests

EFFECTIVE DATE: May 5, 2003

1. Purpose

The purpose of these guidelines is to establish an internal procedure for how the District will respond to requests for information under the Public Records Act, commencing at Section 6250 of the Government Code ("PRA"). The handling of "trade secret" information is addressed here only briefly, but will be addressed more fully in a separate administrative instruction.

2. General Policy Provisions

The District will respond to PRA requests by making public records available in a timely and efficient manner, consistent with other District obligations and priorities. The District will recover the costs of records duplication and, where appropriate, will waive costs when it determines that doing so is in the public interest.

3. Organization of Personnel Responsible for Responding to PRA Requests

- a. The District will designate a person as the PRA Coordinator. The role of the Coordinator is to:
 - i. Receive and track all PRA requests made to the District.
 - ii. Communicate with the PRA Requestor.
 - iii. Communicate with the Records Custodian(s) for each division as needed to effectuate an adequate response to each PRA request.
 - iv. Keep records of correspondence between each PRA Requestor and the District. In general, the PRA Coordinator will not keep copies of actual records produced in response to a PRA request.

- v. On a weekly basis, provide a brief electronic summary of all new PRA requests to the Deputy Air Pollution Control Officer, division directors, and the District Counsel.
 - vi. As needed, make copies of requested records.
 - vii. Prepare and retain reasonably detailed inventories of documents produced in response to a PRA request and documents withheld as "trade secret."
- b. Each Division will designate one or more Records Custodians. Each Division will also designate alternate custodians as needed to ensure that the Division is able to respond to PRA requests in a timely manner as set forth herein. The role of the Division Records Custodian is to:
- i. Communicate with the PRA Coordinator.
 - ii. Understand how the division's records are stored and accessed, and ensure that the alternate custodians share the same understanding.
 - iii. Retrieve division records requested under the PRA. The Records Custodian will, in consultation with the PRA Coordinator and District Counsel's Office, work to ensure that records are produced in a manner that is timely and that does not unduly interfere with the division's normal obligations and priorities. A division will be deemed to have produced records if the records are electronically stored in a system that allows effective access to the PRA Coordinator and/or members of the public.
 - iv. As appropriate, suggest to division management improvements to the division record keeping system that would enhance the ability to respond to PRA requests expeditiously and with minimal disruption to the work of the division.

4. General Procedures for Responding to PRA requests

- a. Upon receipt of a PRA request, the PRA Coordinator will assign an alphanumeric identifier to the request and log the request. The identifier will be used to track the District's response to the request.
- b. As soon as possible after receipt of a request, the PRA Coordinator will provide a copy of the request to the appropriate division records custodian(s). Within three days, or as soon as possible thereafter, the PRA Coordinator will obtain from each Division Records Custodian a preliminary estimate of: 1) whether the requested records are in the

possession of the District, 2) the quantity of such records, and 3) the time and resources that will be required to produce such records.

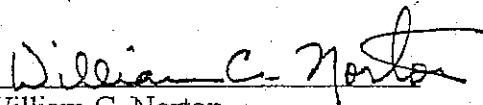
- c. At any time during the response to a PRA request, if the PRA Coordinator believes there may be reason to withhold records from release, the PRA Coordinator will immediately inform the District Counsel's Office. Such notification is not required for the withholding of "trade secret" information, unless and until it is appropriate to notify the company that submitted the "trade secret" information of the PRA request.
- d. Within 10 days of receipt of a PRA request, the PRA Coordinator will provide the Requestor with a written response that is either a determination of how the District will respond to the request or a notification to the requestor that, due to unusual circumstances, an additional period of time up to 14 days will be required for a determination.
- e. The Division Records Custodian will locate and retrieve records responsive to a PRA request, and will provide the records to the PRA Coordinator. The Division Records Custodian will either adhere to the division's previously provided estimate, or will provide the PRA Coordinator with a revised estimate as this information becomes available.
- f. The PRA Coordinator will maintain communication with the PRA requestor and will either arrange for inspection of the records or will produce copies of the records, as appropriate in consultation with the PRA Requestor.
- g. The PRA Coordinator will prepare an inventory of documents that are provided in response to the request and any documents that are withheld as "trade secret." The inventory will, to the extent practicable, identify individual documents produced or withheld by title, author, date, and length. Where, due to the quantity or diversity of records produced, such a detailed inventory is not practicable, the inventory may instead identify records by category. Any documents that are withheld will be identified in the inventory by title, author, date, and length. The inventory of produced and withheld documents will be provided to the PRA requestor and the relevant Division Records Custodian(s).

5. Recovery of Costs

- a. The District will provide the first 50 copies of any request free of charge. The PRA Coordinator should exercise reasonable discretion to

decide whether and how requests should be combined for this purpose. Requests that pertain to the same subject matter and are made in temporal proximity should be treated as a single request for this purpose.

- b. A charge of 10 cents per page will be assessed for each copy beyond the fiftieth.
- c. The PRA Coordinator will provide the PRA Requestor with an estimate of the expected costs of production. If the costs are substantial, the District will proceed to respond to the request only after acceptable arrangements have been made to pay for costs. The PRA Coordinator may require that payment occur before records are produced. In making this determination the PRA Coordinator may consider, among other things, the size of the request, and any previous cost recovery experience with the requestor.
- d. Where the PRA request is for electronic records, and where production of the electronic records will require extraction and compilation, the District may recover the costs of the staff time required to complete extraction and compilation. The costs of staff time will be calculated considering hourly rate and overhead. The PRA Coordinator will provide the requestor with an estimate of any such expected costs. Extraction and compilation should not proceed until arrangements for payment are complete. Prior payment may be required.
- e. The District may waive the costs of production or, for electronic records, extraction and compilation, where it determines that it is in the public interest to do so. The determination of whether to waive costs is solely within the discretion of the District. The PRA Coordinator may decide to waive costs for up to 200 copies. The decision to waive costs for a larger amount must be made by the Executive Officer/APCO.


William C. Norton
Executive Officer/APCO